

EXHIBIT 31

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4

5 NATIONAL ASSOCIATION FOR THE
6 ADVANCEMENT OF COLORED PEOPLE,
7 Spring Valley Branch; JULIO CLERVEAUX;
8 CHEVON DOS REIS; ERIC GOODWIN; JOSE
9 VITELIO GREGORIO; DOROTHY MILLER;
10 HILLARY MOREAU; and WASHINGTON
11 SANCHEZ,
12

13 Plaintiffs,

14 vs.
15

16 EAST RAMAPO CENTRAL SCHOOL DISTRICT
17 and MARYELLEN ELIA, in her Capacity
18 As the Commissioner of Education
19 of the State of New York,
20

21 Defendants.
22

23 17 Civ. 8943
24 -----
25

26 VIDEOTAPED DEPOSITION OF KALMAN WEBER
27 Thursday, November 15, 2018
28 New York, New York
29

30 REPORTED BY:
31 Christina Diaz, CRC, CRR, RMR, CSR, CLR
32 Job Number: 150158

1 K. Weber

2 MR. BUTLER: David Butler on behalf
3 of the defendant.

4 THE VIDEOGRAPHER: Will the court
5 reporter please affirm the witness. 11:15AM

6 K A L M A N W E B E R,

7 having been duly affirmed by a
8 Notary Public, was examined and testified
9 as follows:

10 EXAMINATION

11 BY MS. ELSNER:

12 Q. Mr. Weber, could you please state --

13 THE WITNESS: Before we go on, you
14 said you are the attorney for the
15 defendant. It means you are my attorney? 11:15AM

16 MR. BUTLER: I am not your attorney.

17 THE WITNESS: You are not my
18 attorney. Okay. Fine.

19 Q. Mr. Weber, could you please state
20 your name for the record. 11:15AM

21 A. I am known as Kalman Weber,
22 K-A-L-M-A-N, Weber, W-E-B-E-R. That is my
23 Jewish name. That is how I -- that's what I
24 go by. And my legal name, which I sign legal
25 documents is Kenneth Weber. 11:16AM

1 K. Weber

2 relations effort to make sure taxes don't go
3 too high and they were getting out of hand
4 with some of the previous superintendents. 10
5 percent, 15 percent, they were asking for

11:33AM

6 increases. So I wrote letters to the
7 newspapers and advertised sometimes more with
8 writing letters, that one shouldn't make an
9 increase. This is before Governor Cuomo made
10 his tax cap. Before then, it was getting out
11 of hand. The taxes shouldn't go too high.

11:34AM

12 So basically, that's how I am
13 involved.

14 Q. Now you mentioned the Southeast
15 Ramapo Taxpayers Association --

11:34AM

16 A. That's how I call myself, yes.

17 Q. If we refer to that as "SERTA," will
18 you understand what we are referring to?

19 A. Yes.

20 Q. We will talk about that later, but I
21 want to backtrack. You said that you work for
22 the community.

11:34AM

23 A. That is not a true meaning of the
24 word. Work for the community, meaning I have
25 the interests of the poor people of the

11:34AM

1 K. Weber

2 community in mind when I try and keep the
3 taxes down.

4 Q. Earlier you testified that the
5 community referred to the synagogue. Is that 11:34AM
6 what you're referring to?

7 A. People in the synagogue, yes.
8 That's basically.

9 Q. Is there anyone else in the
10 community besides individuals from the 11:34AM
11 synagogue?

12 A. I don't think so.

13 Q. Are there any African Americans
14 within the community?

15 A. Well, they go to their churches. It 11:35AM
16 would be very interesting if they would come
17 into a synagogue. They wouldn't understand a
18 word. It's not said in English. So a
19 synagogue is a synagogue, and a church is a
20 church, and to each his own, and that's how it 11:35AM
21 is.

22 I do go public. I go to the -- I
23 went -- in the past I have done more than I do
24 in the present. I used to go to the school
25 board meetings, which is open to the public 11:35AM

1 K. Weber

2 and which is open to African Americans and
3 Spanish and white people and Hasidic people
4 and whoever, and everybody is there and there
5 I used to speak. That's when I made my 11:35AM
6 opinions known to the public at the public
7 school board meetings.

8 Q. I just wanted to clarify something.
9 You said that you didn't think that there were
10 any African Americans within the community. 11:36AM

11 Do you know of any African Americans
12 in the community?

13 A. Yes. I do know some.

14 Q. Can you tell me their names?

15 A. I can't tell you any. I don't know 11:36AM
16 the names. I have one that lives two doors
17 away from me. He is a Haitian who became a
18 convert to Judaism. So a Haitian lives two
19 doors away from me, or actually I'm 9, he's 11
20 Maple Leaf. Now he lives now next door. But 11:36AM
21 in general, to each his own. Everybody likes
22 -- they go to church. We have our beliefs, we
23 are talking about religious beliefs now. They
24 have their beliefs and they are entitled to
25 their beliefs and we are entitled to our 11:36AM

K. Weber

beliefs. Freedom of religion and.

Q. Are there any Latino individuals within the community?

A. Not that I am personally in touch with, but yes, of course they are. But, you know, same thing, converts. 11:36AM

Q. Do you know how many?

A. No idea.

Q. Would it be more or less than 10? 11:37AM

A. I have no idea. I can't tell you, but what I do know is the Jewish religion does not look for converts. If somebody wants to become a convert, they don't make it easy to convert because one has to be serious about converting, and if somebody is serious they accept them with open arms and afford them all the courtesy and all the benefits, whatever it is that one can get when one belongs to the Jewish community. One is very open. There is no such thing as color with us. A black person is the same as a white person. We don't look at color, it's religion. If they feel sincerely about it, with pleasure. 11:37AM

Q. You said that SERTA is a one-man 11:37AM

1 K. Weber

2 operation.

3 What does SERTA do?

4 A. SERTA is a public relations and a
5 public relations person. Basically that's 11:38AM
6 what it is. To get publicity as a one-man
7 thing, if I am going to just sign, I will be
8 known as Kalman Weber. I will not get much
9 publicity. If I sign my name as Kalman Weber,
10 President of Southeast Ramapo Taxpayers 11:38AM
11 Association, I will get. So I write the
12 newspapers and I write at length explaining
13 why I feel that the taxes are too high, and I
14 usually get published.

15 Q. So other than writing newspapers, is 11:38AM
16 there anything else that you do through SERTA?

17 A. I publicize it, and that helps bring
18 out the vote. So I do have a good name in the
19 community. People know me. They know I am
20 honest, and they believe me. I have no 11:39AM
21 personal outside interests whatsoever. So if
22 I say that one should vote yes on the budget
23 or I say no on the budget, there are very many
24 people who follow my recommendation.

25 Q. Let's talk about that a little bit 11:39AM

1 K. Weber

2 I'm not talking about the synagogue now. We
3 are talking about the halls that -- which
4 people --

5 Q. Understood.

12:05PM

6 And once you have the sense from
7 your conversations with members of the
8 community that a certain candidate is
9 supported by the community, you then place ads
10 or use whatever means you can to help that
11 candidacy, is that fair to say?

12:05PM

12 A. That's fair to say, yes.

13 Q. Do you try to obtain --

14 A. Sometimes I go against the board.

15 The board might be for certain candidates, and
16 I might feel that those candidates will not
17 help to keep taxes down. I will support the
18 alternate candidates.

12:05PM

19 Q. Can you identify a time when the
20 board was for a candidate, but you did not
21 support that candidate?

12:05PM

22 A. I think -- this actually reminded
23 me. This time was a certain slate this year
24 included a black public school parent. Do you
25 see this? This is in the second column, the

12:06PM

1 K. Weber

2 second column in the one, two, three, four,
3 five, six, seventh, underneath "using
4 endorsements," underneath that, that black
5 candidate, which I supported, the board did
6 not support.

12:06PM

7 I went against the board on that,
8 and I went against the board this past budget
9 vote. I spoke up against the board at the
10 board meeting and wrote a lengthy letter to
11 the -- I think I wrote a lengthy letter to The
12 Journal News stating my position as opposed to
13 the board. I don't -- often I don't go along.
14 Because I have -- the only thing I have in
15 mind is that people should be able to pay for
16 it, and you have people who can not pay for
17 it, it's -- I can't go along with it.

12:06PM

12:06PM

18 Q. In 2007 when the board support --
19 when you supported an African American
20 candidate and the board did not support that
21 candidate, do you know why the board did not
22 support that candidate?

12:07PM

23 A. I can't remember. You are showing
24 me that. I haven't seen this -- I don't think
25 I even got a copy of this. Maybe I have this

12:07PM

1 K. Weber

2 in my old papers. It's possible. I went
3 through the whole box. It's probably on
4 spending, I would imagine. I would imagine it
5 was on spending. But this was the time -- you 12:07PM
6 say it was 2007? I don't remember. Let's see
7 the date on top. Yes, in 2007. If I am not
8 mistaken since 2005, the nonpublic school had
9 control over the board, so they did have
10 control over the board and even though I went 12:07PM
11 against them then, and I went against the
12 board. I can't remember the reason, but I can
13 say -- I am speculating that it's very
14 possible that it was because of taxes. That's
15 basically why I am involved as I told you 12:08PM
16 before, so that would lead me to think that it
17 probably was over taxes. But I supported this
18 black woman -- sorry, African American woman,
19 and I remember that the board supported --
20 maybe they supported an African American man. 12:08PM
21 Racism doesn't come into this. I don't know,
22 but I felt that candidate -- she was a public
23 school parent.

24 Q. Do you remember her name?

25 A. It says it here. Does it say it? 12:08PM

1 K. Weber

2 No, it doesn't.

3 I don't remember the name. I don't

4 remember the name of today's board members,

5 but I think she called me up, and she asked 12:08PM

6 for my help, and I asked what her policies

7 was, and I said, Fine, I am perfectly willing

8 to help you. And I remembered the board,

9 because I was going against the board, the

10 board supports somebody else, then I remember. 12:09PM

11 It's happened at other times as well. I am

12 not automatic. I am here to help people. I

13 get nothing out of it. It might cost me

14 money. That's all, but I get nothing out of

15 it. I am here to help people, and I felt that 12:09PM

16 she would be the better.

17 Q. Now, you were discussing candidates

18 that the -- the "Board" did or did not

19 support.

20 Who are you referring to when you 12:09PM

21 say "the Board"?

22 A. The nine members who sit there on

23 the school board of East Ramapo.

24 Q. Ad do they always agree on who the

25 next candidate should be for the board? 12:09PM

1 K. Weber

2 A. No idea. They accepted candidates.

3 Okay. What I mean is accepted candidates,

4 there are usually two slates. There are

5 usually two slates, and, one, the school board 12:10PM

6 endorses. I don't know if they endorse them

7 legally, or they will do anything to endorse

8 them, but they are comfortable with them; and

9 one is those who run against the school board,

10 which is in those years already, the public 12:10PM

11 school parents went up. So I imagine. I

12 don't know.

13 Q. When you say "slates," what do you

14 mean?

15 A. Every election, you have a ballot 12:10PM

16 with two slates.

17 Q. What is a "slate"?

18 A. People go around for signatures to

19 run on the school board, and people go around

20 with three signatures for candidate, and 12:10PM

21 opposing people are also three signatures or

22 candidate, so...

23 You must have a certain percentage

24 of voters have to sign, then you are eligible

25 to run for the board. Usually it's three and 12:11PM

1 K. Weber

2 three. Sometimes it's three and two.

3 Somebody decides -- one side decides to put up

4 only two candidates, and sometimes it's not

5 three and three, it's three, three and then if 12:11PM

6 there is one, there's an independent who wants

7 to run. It usually runs with slates. It

8 usually goes together and it ends up being

9 public school versus nonpublic school. I

10 don't know if it's done intentionally, but 12:11PM

11 that's the way it usually works out.

12 MS. ELSNER: I think now is probably

13 a pretty good time for a break and maybe

14 some lunch.

15 THE VIDEOGRAPHER: The time is 12:11 12:11PM

16 p.m. This is the end of media number

17 one. We are off the record.

18 (Lunch recess: 12:11 p.m.)

1 K. Weber

2 AFTERNOON SESSION

3 12:30 p.m.

4 THE VIDEOGRAPHER: The time is 12:30

5 p.m. This is the start of media number 12:30PM

6 two. We are on the record.

7 BY MS. ELSNER:

8 Q. Mr. Weber, did you speak to anyone
9 over the break?

10 A. Yes. 12:30PM

11 Q. Who did you speak to?

12 A. I spoke to my son twice and to my
13 wife twice or three times.

14 Q. Did you speak to Mr. Butler at all?

15 A. Yes. 12:30PM

16 Q. What did you talk about with
17 Mr. Butler?

18 A. Mr. Butler told me that I should
19 allow the question to finish before I answer.

20 He said, You should not answer questions 12:30PM

21 before the questioner has finished asking the
22 question. That's all he said.

23 Q. Yes. Did he tell you anything else?

24 A. No.

25 Q. Right before the break, you were -- 12:31PM

1 K. Weber

2 that they are legally entitled to. So we were
3 comfortable to vote -- to have him on our
4 slate even though he was on the slate of the
5 public school.

12:32PM

6 Q. Apart from Mr. Rothschild, are there
7 any other instances where individuals who have
8 the interest of the public schools are on the
9 nonpublic school slate?

10 A. I don't know.

12:32PM

11 Q. Can you recall any such instance?

12 A. I told you, I don't know.

13 Q. Before the break, you were also
14 discussing that sometimes candidates who you
15 decide to endorse are not endorsed by the
16 board.

12:33PM

17 Do you remember that testimony?

18 A. Yes.

19 Q. How do you know who the board
20 endorses?

12:33PM

21 A. I see it. I either see it -- I see
22 it. Either they have lawn signs out or they
23 have signs in the synagogue. I see it. They
24 publicize it.

25 Q. Do you know who specifically is in

12:33PM

1 K. Weber

2 charge of those campaign efforts on behalf of
3 the board?

4 A. I don't know if somebody is in
5 charge. It's very spontaneous. It's people 12:33PM
6 who want to make sure that they are not being
7 taken for a ride and their taxes don't go way
8 out of hand. I don't think it's one person at
9 all. It could be anybody.

10 Q. Do you ever endorse individuals for 12:33PM
11 public office other than the school board?

12 A. I don't endorse actually, I mean, I
13 tell people to vote. I say people should
14 vote. I am a nobody. It's not me who
15 endorses, but I recommend voting for. For any 12:34PM
16 other thing other than the school board, let
17 me tell you this. The only major vote
18 affecting a budget that people have a say in
19 is the school board. There is no other vote.

20 The only other vote is the library vote, which 12:34PM
21 are a vote for a budget, but that is minor.

22 Once I went very strongly against it because
23 they wanted a 6 percent or 10 percent

24 increase. But the only vote where people have
25 a say in budget which comes to major money is 12:35PM

1 K. Weber

2 the school. There is no other vote. So
3 that's the one -- I am here for the people.
4 So that's the one I get involved in.

5 Q. When you support candidates, do you 12:35PM
6 support the slate of candidates or do you
7 generally support just an individual
8 candidate?

9 A. Depending what they -- see, each
10 candidate gives out usually pamphlets what 12:35PM
11 their position is, and I look at what their
12 position is. If I feel that's in sync with
13 what I feel would be good for the people, I
14 vote for it. And sometimes I don't recommend
15 a person because I feel they are not for 12:35PM
16 education. I am very pro-education. I am
17 against waste, but I am very pro-education.
18 If I feel that somebody just for the sake of
19 no -- I will not go with them. So it depends
20 on the candidate, what they recommend. 12:35PM

21 Q. Have you ever supported the public
22 school slate in a board election?

23 A. There used to be just one slate
24 running. They used to be running unopposed
25 many years ago. Of course, we supported it. 12:36PM

1 K. Weber

2 Q. And since the --

3 A. Since the problems were with the
4 taxes going, we were talking at one time about
5 a 15 percent increase. That's what they were 12:36PM
6 talking about at the school board. I go to
7 the meetings. And I said, We have to do
8 something. We cannot let it get out of hand.
9 Then I started publicizing what I stand for,
10 and then it seems people believed in me. 12:36PM

11 Q. Have you ever publicized in support
12 of the public school slate?

13 A. I don't remember. I don't recall.

14 Q. Do the slates that you support ever
15 lose? 12:37PM

16 A. If not enough people go out to vote,
17 then they will lose. If they get enough
18 voters, they will win. It depends if the
19 voters come out. Are you asking me if the
20 voters come out every time? Check the 12:37PM
21 records. I don't know.

22 Q. To the best of your recollection, do
23 you recall whether or not a slate that you
24 have ever supported has lost?

25 A. Yes. 12:37PM

K. Weber

A. That is true.

Q. What does the "bloc vote" mean?

A. Exactly what it says. Bloc vote means that possibly, I feel, thousands -- I 12:56PM
feel that thousands of people who believe in
me, and if I say vote for somebody, they will
go along with it. So that is called a bloc
vote.

Q. And does the bloc vote support the 12:56PM
candidates you support?

A. I can't tell you. Usually this
involves the budget. I don't know each year
if they would support it. I don't know. If
the board supports somebody else and I am -- 12:56PM
and there might be a clash, then I don't know.
But I do have credence, and I am believed to
be honest, and people do trust what I say.

But basically again I am telling you
I am in this basically for the taxpayer. 12:56PM
That's why we called it Southeast Ramapo
Taxpayers Association. That's basically where
my interest lays.

Q. And any candidates that you support
or resolutions that you support, are those 12:57PM

1 K. Weber

2 always involving cutting taxes or keeping
3 taxes low?

4 A. Basically, yes.

5 Q. Does the bloc vote always support 12:57PM
6 the nonpublic school slate?

7 A. I don't know. Just like I have a
8 bloc vote, other people have their bloc vote.
9 The public school has their bloc vote, and
10 sometimes the board has their bloc vote. 12:57PM

11 By the word "bloc vote," I just mean
12 that there are many, many people who follow
13 what I say. Maybe I used the wrong word by
14 calling it bloc vote. It gives other ideas.
15 But I just meant the people following me. 12:57PM

16 Q. And your bloc vote, the people who
17 tend to follow your recommendations --

18 A. I don't know if that's the right
19 word, to call it "bloc vote," but followers.
20 Followers would have been a more correct 12:58PM
21 definition.

22 Q. Do they vote for the nonpublic
23 school slate?

24 A. In the United States of America,
25 when one votes, one goes into a booth, close 12:58PM

I N D E X

WITNESS

Kalman Weber

EXAMINATION BY

Ms. Elsner

PAGE

5

E X H I B I T S

(Exhibits attached to transcript)

WEBER

DESCRIPTION

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Exhibit 1

Notice of Non-Party
Subpoena Duces Tecum,
two pages, with
attachments

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Exhibit 2

Article dated August
12, 2007, one page

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Exhibit 3

Article dated 12/7/14,
three pages

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Exhibit 4

Article dated 10/18/15,
two pages

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Exhibit 5

Article dated 6/27/18,
two pages

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Exhibit 6

Expenditure and
Contribution Statement
for Candidates for
Member of the Board of
Education, bearing
Production Nos. ERCSD
17545 through 17546

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I N F O R M A T I O N R E Q U E S T S

INSERTED INFORMATION - NONE -

REQUESTS FOR PRODUCTION - NONE -

RULING - NONE -

DIRECTIONS NOT TO ANSWER - NONE -